

SUPERIOR COURT  
OF THE  
STATE OF DELAWARE

E. SCOTT BRADLEY  
JUDGE

SUSSEX COUNTY COURTHOUSE  
1 The Circle, Suite 2  
GEORGETOWN, DE 19947

June 22, 2009

Carol L. Teagle  
13384 Cokesbury Road  
Georgetown, DE 19947

Diane M. Bourne  
Delaware Department of Labor  
Unemployment Insurance Appeal Board  
P.O. Box 9950  
Wilmington, DE 19809

Best Temps  
110 Cannon Street  
Seaford, DE 19973

**RE: Carol L. Teagle v. Unemployment Insurance Appeal Board and  
Best Temps  
C.A. No. S08A-03-002 ESB  
Letter Opinion**

Date Submitted: March 25, 2009

Dear Ms. Teagle and Bourne:

This is my decision on Carol L. Teagle's appeal of the Unemployment Insurance Appeal Board's decision ordering her to repay unemployment benefits she received while she was ineligible to receive unemployment benefits. Teagle received unemployment benefits for 10 weeks in 2004. The Department of Labor determined she was ineligible to receive these unemployment benefits. Teagle challenged this determination within the Department of Labor and in the Superior Court. After the Superior Court ruled against Teagle,<sup>1</sup> the Department of Labor directed Teagle to repay the unemployment benefits she had received. Teagle challenged this directive within the Department

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<sup>1</sup> *Teagle v. Best Temps and Unemployment Insurance Appeal Board*, Del. Super., C.A. No. 07A-03-001, Graves, J. (Dec. 19, 2007).

of Labor. When Teagle’s challenge was unsuccessful, she filed an appeal with this Court.

### STANDARD OF REVIEW

The Supreme Court and this Court repeatedly have emphasized the limited appellate review of the factual findings of an administrative agency. On appeal from a decision of the Board, this Court is limited to a determination of whether there is substantial evidence in the record sufficient to support the Board’s findings, and that such findings are free from legal error.<sup>2</sup> Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.<sup>3</sup> The Board’s findings are conclusive and will be affirmed if supported by “competent evidence having probative value.”<sup>4</sup> The appellate court does not weigh the evidence, determine questions of credibility, or make its own factual findings.<sup>5</sup> It merely determines if the evidence is legally adequate to support the Board's factual findings.<sup>6</sup> Absent an error of law, the Board's decision will not be disturbed where there is substantial evidence to support its conclusions.<sup>7</sup>

### DISCUSSION

Teagle argues that she should not have to repay unemployment benefits she received prior

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<sup>2</sup> *Employment Ins. Appeals Board of the Dept. of Labor v. Duncan*, 337 A.2d 308, 309 (Del. 1975); *Longobardi v. Unemployment Ins. Appeal Board*, 287 A.2d 690, 692 (Del. Super. 1971), *aff'd* 293 A.2d 295 (Del. 1972).

<sup>3</sup> *Oceanport Ind. v. Wilmington Stevedores, Inc.*, 636 A.2d 892, 899 (Del. 1994); *Battista v. Chrysler Corp.*, 517 A.2d 295, 297 (Del. Super. 1986), *app. disp.*, 515 A.2d 397 (Del. 1986).

<sup>4</sup> *Geegan v. Unemployment Compensation Commission*, 76 A.2d 116, 117 (Del. Super. 1950).

<sup>5</sup> *Johnson v. Chrysler Corp.*, 213 A.2d 64, 66 (Del. 1965).

<sup>6</sup> 29 Del.C. § 10142(d).

<sup>7</sup> *Dallachiesa v. General Motors Corp.*, 140 A.2d 137 (Del. Super. 1958).

to a determination that she was ineligible to receive those benefits. The Board's decision rejecting her argument is based on 19 Del.C. § 3325, which states, in part, that "[a]ny person who has received any sum as benefits under this chapter to which it is finally determined that the person was not entitled shall be liable to repay in cash said overpayment, to the Department for the Unemployment Compensation Fund, or to have such sum deducted from future benefits payable to the person under this chapter." The applicable law is clear. The Department of Labor and this Court, in a prior proceeding, determined that Teagle was not eligible to receive unemployment benefits. Once that determination was made, Teagle became liable pursuant to 19 Del.C. § 3325 to repay the unemployment benefits she had received while she was ineligible for unemployment benefits. The Board's decision is in accordance with the applicable law.

#### **CONCLUSION**

The Board's decision is affirmed.

IT IS SO ORDERED.

Very truly yours,

E. Scott Bradley